

# Inquiry into family violence orders

*An ANROWS submission to the  
House of Representatives Standing  
Committee on Social Policy and Legal  
Affairs*

July 2024

ANROWS

AUSTRALIA'S NATIONAL RESEARCH  
ORGANISATION FOR WOMEN'S SAFETY  
*to Reduce Violence against Women & their Children*

Australia's National Research Organisation for Women's Safety  
Limited  
PO Box Q389, Queen Victoria Building, NSW, 1230  
ABN 67 162 349 171  
Phone +61 2 8374 4000 | [anrows.org.au](https://anrows.org.au)

# Contents

Overall comments .....	3
Terminology.....	5
Part 1: Current barriers for victims and survivors in the family law system to obtain and enforce family violence orders.....	5
Family violence orders form part of a system of accountability .....	6
Address barriers experienced by people applying for and enforcing FVOs.....	6
Part 2: Address the risk of escalation or perpetration of abuse during court proceedings.....	8
Address the risk of an escalation of family violence during family court proceedings.....	8
Address the perpetration of systems abuse and prevalence of misidentification in the family law system	9
Recognise the complexity faced by migrant and refugee women .....	10
Prioritise the safety of victims and survivors where parenting orders and family violence orders overlap	11
Part 3: Improve capacity in the family law system to respond to DFSV .....	12
Support recent legislative change with education and guidance .....	12
Create an authorising environment that prioritises women’s and children’s safety .....	14

## Overall comments

ANROWS thanks the House of Representatives Standing Committee on Social Policy and Legal Affairs (“the Committee”) for the opportunity to respond to the inquiry into family violence orders for victims and survivors in the Federal Circuit and Family Court of Australia (FCFCoA). ANROWS supports the intention of the Committee to make recommendations into how the family law system can provide better access for victims and survivors to family violence orders (FVOs) and the effective enforcement of those orders.

This submission addresses the [Terms of Reference](#) outlined by the Committee. It is divided into three thematic parts to more clearly highlight the key evidence drawn from rigorous peer-reviewed research, including relevant ANROWS research. The submission focuses on:

- Part 1: Current barriers for victims and survivors in the family law system to obtain and enforce family violence orders.
- Part 2: Addressing the risks of escalation of violence or perpetration of violence (systems abuse) during family law proceedings.
- Part 3: Improving capacity and expertise in the family law system to prioritise the safety of victims and survivors of domestic, family and sexual violence (DFSV).

While each of the three sections primarily focus on one term of reference, the submission as a whole seeks to provide recommendations to improve the accessibility of FVOs for victims and survivors going through the family law system.

ANROWS supports the intent of the recommendations in the submission made by Women’s Legal Services Australia (WLSA) to this inquiry. We have taken the opportunity to highlight several specific recommendations made by WLSA to emphasise their importance and to encourage the Committee to carefully consider them. WLSA’s recommendations are informed by their practice-based expertise in providing legal services to victims and survivors of DFSV across Australia.

ANROWS supports enhancing mechanisms within the family law system to prioritise the safety of victims and survivors of DFSV. It is essential that recommendations made by the Committee are underpinned by genuine and extensive consultation with people with lived expertise in navigating the family law system. This should include people from culturally and linguistically diverse (CALD) backgrounds, LGBTQ+ communities and Aboriginal and Torres Strait Islander communities, and people living with disability.

We would be very pleased to assist the Committee further, as required.

Yours sincerely,



**Dr Tessa Boyd-Caine**  
Chief Executive Officer

22 July 2024

## Recommendations

ANROWS makes the following recommendations about the barriers for victims and survivors already negotiating the FCFCoA to obtain and enforce FVOs:

- **Recommendation 1:** Ensure people working in the family law system are trained and resourced to engage with victims and survivors supportively, underpinned by an understanding of DFSV dynamics. This includes ensuring the environment is safe, welcoming, workers are available and willing to help.
- **Recommendation 2:** Improve referral processes to connect victims and survivors with specialist services, including CALD services, that can assist or support them to obtain and enforce an FVO by providing information, guidance, translated resources or other supports. Invest in these services to enhance their capability and capacity to provide this support to victims and survivors of DFSV already in contact with the family law system.

ANROWS makes the following recommendations to acknowledge and address the risks of escalation of violence or perpetration of violence (systems abuse) during family law proceedings:

- **Recommendation 3:** Evaluate and enhance existing mechanisms to screen for, monitor and respond to heightened risk of DFSV in the context of family law proceedings, using a victim- and survivor-centred approach.
- **Recommendation 4:** Ensure people working in the court system, including judicial officers and other court staff, are skilled (or supported to be skilled) in identifying tactics of legal systems abuse, through an improved understanding of coercive control. This could also include being informed by contemporary research findings on the cause and impacts of systems abuse in Australia. ANROWS would be pleased to assist the Committee in accessing relevant publications.
- **Recommendation 5:** Take measures to improve the early identification and response to the perpetration of systems abuse at the intersection of the family law system and FVO process. This could include undertaking systematic research and consultation that identifies the extent and impacts of misidentification because of systems abuse and how the FCFCoA can prevent the use of these tactics in the family law system.
- **Recommendation 6:** When making recommendations under the inquiry, the Committee should engage experts to review systems to identify new or existing avenues for the perpetration of legal systems abuse in the family law system.
- **Recommendation 7:** Ensure that judicial officers and other court staff understand the dynamics of DFSV experienced by migrant and refugee women and invest in programs that support workers to maintain up-to-date knowledge.
- **Recommendation 8:** Enhance partnerships with specialist services that assist migrant women experiencing violence to navigate the family court system.
- **Recommendation 9:** Invest in the development and distribution of accessible resources in multiple languages to support migrant and refugee women to better navigate the legal system. This might include co-design with specialist organisations with CALD expertise.
- **Recommendation 10:** Monitor and evaluate the effectiveness of the recent legislative amendments under the *Family Law Act 1975* (Cth) pertaining to parenting orders where DFSV is present, aiming to keep adult and children victims and survivors safe and to keep children with their non-offending parent.

ANROWS makes the following recommendations to improve capacity in the family law system to make FVOs more effective in keeping families safe:

- **Recommendation 11:** Invest in the development, implementation and evaluation of evidence-informed legal training and guidance relating to the complexities and dynamics of DFSV in the context of the family law system. This could include a national approach to legal workforce development, such as a capacity-building service for judicial officers and other court staff.

- **Recommendation 12:** Evaluate the implementation and effectiveness of the information-sharing amendments under the *Family Law Act 1975* (Cth) to understand whether they are working as intended or if there are any unintended consequences to women and children in the family law system.
- **Recommendation 13:** Prioritise capacity-building initiatives for judicial officers and other court staff, including professional and peer support for anyone working on family violence matters.
- **Recommendation 14:** Implement partnerships between the FCFCoA and relevant community-based services that work with people with lived expertise, including people from CALD backgrounds, LGBTQ+ people and Aboriginal and Torres Strait Islander people.
- **Recommendation 15:** The Committee should explore new or existing mechanisms to coordinate resources at a national level and ensure that actions by the FCFCoA, to improve victims' and survivors' safety and wellbeing, are not being duplicated or complicated through multiple processes.
- **Recommendation 16:** Implement National Legal Aid and Women's Legal Services Australia's calls for national outcomes measurement framework to monitor the outcomes of family law courts' decisions and orders to determine the impacts on victims and survivors of DFSV. This could include reviewing decisions for instances of systems abuse or misidentification. Ensure this is done through a victim- and survivor-centred approach.

## Terminology

**Family Violence Orders:** A family violence order (FVO) is an order made under a state or territory law to protect a person from family violence (Federal Circuit and Family Court of Australia [FCFCoA], 2024). The names of family violence orders differ in each state and territory and may sometimes be referred to as domestic violence orders, intervention orders or protection orders. This submission will use the term family violence order as a general term capturing all types of orders relating to domestic, family and sexual violence in Australia.

**Domestic, family and sexual violence:** The terms “family violence” and “domestic violence” are often used interchangeably in research, policy and practice. This submission refers to “domestic, family and sexual violence” or “DFSV” when talking about the range of violence that victims and survivors may need protection from. This recognises intimate partner sexual violence is a tactic of domestic and family violence, that can significantly impact the safety and wellbeing of victims and survivors.

**Family law system:** The term family law system is used to describe all legal proceedings relevant to separation and divorce, spousal maintenance, property and financial disputes and parenting orders. This could include family dispute resolution (FDR), proceedings before the Federal Circuit and Family Court of Australia (FCFCoA) and other specialist family law courts. People working in the family law system include judicial officers, registrars and other court staff, family consultants, independent children's lawyers and family dispute resolution practitioners.

## Part 1: Current barriers for victims and survivors in the family law system to obtain and enforce family violence orders

Part 1 of this submission primarily addresses the second term of reference regarding the current barriers for litigants in the family law system to obtain and enforce FVOs. It is important to first understand the barriers faced by victims and survivors of violence when seeking protection, before considering the other aspects of the family law system outlined in Parts 2 and 3.

## Family violence orders form part of a system of accountability

ANROWS supports and reinforces Women's Legal Services Australia's (WLSA) position that states and territories should continue to be the primary jurisdiction for making FVOs, due to established expertise in focusing on the safety of victims and survivors of DFSV. If the Committee is considering introducing powers to make FVOs at the federal level, there are several significant issues that should be carefully considered and are outlined in WLSA's submission to this inquiry (Women's Legal Services Australia [WLSA], 2024a).

A systematic review of family violence orders found that, overall, people who received an order were significantly less likely to experience re-victimisation than people who did not (Dowling et al., 2018). FVOs can deter people who use violence from re-offending (Dowling et al., 2018) and contribute to a broader system of accountability for people who use violence (ANROWS, 2021). However, ANROWS's research on interventions for people who use violence found that accountability to the legal system does not always translate to accountability to their partner, their children or to themselves (Chung et al., 2020). This is because breaches of FVOs are prosecuted on behalf of the state, not on behalf of the victim and survivor or necessarily in alignment with their wishes (ANROWS, 2021). Despite these complexities, FVOs provide a mechanism through which victims and survivors can seek to improve their safety and wellbeing.

## Address barriers experienced by people applying for and enforcing FVOs

Victims and survivors of violence experience the following barriers to obtaining and enforcing FVOs:

- **Financial constraints.** Women's Legal Services Australia (2024a) has indicated that many clients remain in violent situations, as they do not have the financial means to flee or engage private legal representation.
- **Lack of awareness and understanding of court processes.** For women who are from CALD backgrounds, or who speak a language other than English, this experience can be heightened. There may also be a lack of culturally appropriate support to develop this understanding or navigate these processes (WLSA, 2024b; InTouch & Harmony Alliance, 2023).
- **Language barriers.** A lack of available interpreting services can present a barrier to applying for FVOs. An ANROWS study found that a significant proportion (80–99%) of police, legal officers and victim advocates reported access to interpreters as a barrier to obtaining FVOs in CALD communities (Taylor et al., 2017a). InTouch, a family violence service for migrant and refugee women, and Harmony Alliance, an advocacy organisation for migrant and refugee communities (2023) found that migrant women report instances where they were not provided with interpreters in the family law court and were unable to express their worries about the perpetrators' behaviour.
- **Lack of support to report breaches.** A quarter (28%) of legal officers and victim advocates believed that victims and survivors "rarely" had adequate support to report FVO breaches (Taylor et al., 2017a). For instance, it can be difficult to collect the required evidence to support reporting a breach, for example, if abuse is perpetrated using technology.
- **Mistrust towards women.** The 2021 National Community Attitudes towards Violence against Women Survey (NCAS) found that 37 per cent of respondents agreed that women make up or exaggerate claims of domestic violence to gain an advantage in custody battles (Coumarelos et al., 2023). Widespread mistrust towards women's reports of violence when they are also navigating the family law system could deter women from seeking protection, for fear of not being believed.
- **For police-initiated orders, hesitancy from victim and survivors** to engage in the police and court system can be a barrier to obtaining and enforcing FVOs (Dowling et al., 2018). This can be due to fears of reprisal, a perception that orders are unlikely to have an impact or previous negative court experience (Dowling et al. 2018).

- **Complex cross-jurisdictional issues.** In their submission to this inquiry, WLSA (2024a) highlights that victims and survivors are often required to navigate multiple legal systems, across federal and state and territory jurisdictions, to keep themselves and their children safe. This can be costly, confusing and re-traumatising where they are required to present evidence of DFSV in multiple court settings.
- **Systemic injustices.** The context of colonisation and systems violence can affect the experience of Aboriginal and Torres Strait Islander women reporting DFSV and seeking an FVO. This can be due to prior negative experiences of inappropriate applications of legal sanctions, intimidation, racism and cause for distrust in police (Nancarrow et al., 2020; see also Blagg et al., 2018). Additionally, a recent ANROWS study on parents who kill their children found that a very small proportion (8%) of these offenders had ever been named as a defendant in a final FVO involving the victim/s (Australian Domestic and Family Violence Death Review Network, & ANROWS, 2024). These findings emphasise the hesitancy women may have towards seeking an FVO, underpinned by a justifiable fear of child removal due to the systemic racism prevalent in the legal system (Langton et al., 2020; Jeffries et al., 2015).

Victims and survivors experience these barriers in the court where FVOs are made, and in the family law system. An ANROWS study conducted by the Queensland Centre for Domestic and Family Violence Research highlights ways to reduce these barriers (Taylor et al., 2017b). This qualitative research with police, magistrates, lawyers, and victims found that the attitudes, helpfulness and availability of court staff and police were important. There may be a need to support judicial officers and other court staff to better recognise the barriers that victims and survivors face and be equipped to provide assistance. For example, the approachability of the court environment was found to assist victims and survivors to continue engaging in the process of applying for an FVO and prosecuting breaches (Taylor et al., 2017b). WLSA's (2024a) submission provides further detail on safety planning and measures that can be put in place both in court locations and in an online environment to enhance the feeling of safety for victims and survivors.

In addition, there is a need to improve the availability and access to support services that could address these barriers to obtaining and enforcing FVOs. Referrals to DFV services for police-initiated FVOs and overall improved access to local or specialist service providers, legal support, interpreting services and counselling could further assist women to obtain and enforce FVOs (Taylor et al., 2017b; WLSA, 2024a). WLSA (2024a) outlines the particular need for increased funding to specialist family violence and trauma-informed legal services to assist women through the FVO process.

**Recommendation 1:** Ensure judicial officers and other court staff are trained and resourced to engage with victims and survivors supportively, underpinned by an understanding of DFSV dynamics. This includes ensuring the environment is safe, welcoming, workers are available and willing to help.

**Recommendation 2:** Improve referral processes to connect victims and survivors with specialist services, including CALD services, that can assist or support them to obtain and enforce an FVO by providing information, guidance, translated resources or other supports. Invest in these services to enhance their capability and capacity to provide this support to victims and survivors of DFSV already in contact with the family law system.

## Part 2: Address the risk of escalation or perpetration of abuse during court proceedings

Part 2 of this submission primarily addresses the first term of reference regarding the risk of an escalation in the aggressive and violent behaviour of the perpetrator and the heightened risk to the partner and children during family court proceedings. The barriers to obtaining and enforcing an FVO outlined in the previous section provide essential context for understanding the escalation and perpetration of violence in the family law system.

### Address the risk of an escalation of family violence during family court proceedings

The *National Risk Assessment Principles for Domestic and Family Violence* state that court orders and parenting proceedings are risk factors for an occurrence or escalation of DFSV (Toivonen & Backhouse, 2018; see also McCulloch et al., 2016; Dwyer & Miller, 2014; Carson et al., 2022). DFSV often escalates among separating parents as the person using violence is or is perceiving a loss of control. Some people use parenting orders as a way of re-establishing control over their former partner (Toivonen & Backhouse, 2018).

A study with legal officers and family dispute resolution practitioners found that, in their experience, safety risks had arisen or escalated since parenting orders were made, and that many women comply with their parenting orders despite having concerns for the safety of their child (Kaspiew et al., 2022). ANROWS research has recommended the need for a mechanism to monitor parenting orders where the children's needs and the risk and harm factors indicate that this is required (Carson et al., 2022). While this does occur in some jurisdictions under particular circumstances, a lack of resources can hinder the effectiveness of this mechanism (Carson et al., 2022).

Research points to a lack of coordination between different parts of the response system which may hinder risk identification and response, particularly between the DFSV, child protection systems and the FCFCoA (Connolly et al., 2017). Supportive collaborations that involve information sharing between these parts of the system are needed to prioritise the safety needs of women and their children and allow for more effective risk assessment focused on perpetrator risk and history (Connolly et al., 2017). A better joined-up response between the FCFCoA and other parts of the DFSV response system could benefit adult and child victims and survivors by enabling the identification and response to safety issues that may arise during court proceedings (see ANROWS, 2020b).

ANROWS supports the aim of the Lighthouse project to implement evidence-based risk screening in the FCFCoA and calls for regular evaluations of this approach, including in regional locations to ensure that it is fit for purpose in various contexts across Australia. In their submission, WLSA (2024a) outlines that their clients, particularly CALD users, have experienced difficulties using the Lighthouse triage tool. ANROWS encourages the Committee to consider addressing these difficulties to ensure the tool is fit for purpose. This requires ongoing and sustainable funding.

**Recommendation 3:** Evaluate and enhance existing mechanisms to screen for, monitor and respond to heightened risk of DFSV in the context of family law proceedings, using a victim- and survivor-centred approach.



# Address the perpetration of systems abuse and prevalence of misidentification in the family law system

## Systems abuse is a form of violence perpetrated during family law processes

People who use violence can perpetrate abuse by manipulating individual or multiple legal processes to cause harm, known as legal systems abuse (Kaspiew et al., 2017; Douglas, 2018). The Australian Law Council (2021) has identified the need to safeguard against the perpetration of systems abuse where multiple and competing legal processes are underway across different jurisdictions. This includes tactics like:

- exploiting the intersections between family law, child protection and criminal legal systems to their advantage
- raising counter-allegations or unfounded applications in FVO processes or the family law system
- manipulative engagement with family law services
- pressuring a victim and survivor to withdraw their FVO
- non-compliance with court orders
- exhausting women's legal, financial and emotional resources (Kaspiew et al., 2017; Connolly et al., 2017; Cortis & Bullen, 2016)
- using legal processes to gain access to a victim's and survivor's medical or therapeutic records to threaten, harass or inflict harm (No to Violence, 2023).

These tactics occur in the broader context of patterns of coercive and controlling abuse. A greater recognition of these behaviours as indicators of DFSV may help to prevent and respond to legal systems abuse (Douglas, 2018).

The high proportion of cases in the family law system that involve self-represented litigants is a risk for systems abuse. One in five (21%) cases in the family law system involve one or both parties not having representation at some point in their proceedings (FCFCoA, 2020). In a study on self-represented litigants in family law proceedings, Wangmann et al. (2020) found evidence of instances where people who use violence and who self-represented themselves used the court system as a mechanism to continue their abuse, for example, via numerous applications in multiple jurisdictions, prolonging court proceedings, refusing to settle and bringing proceedings after final orders (Wangmann et al., 2020). Not complying with court processes or taking an extensive time to comply were also identified as deliberate strategies to prolong the process, leading to additional costs for the other party (Wangmann et al., 2020). On the other hand, victims and survivors who were self-represented litigants, usually due to financial constraints and ineligibility for legal aid, were often unable to sufficiently document their experience of family violence and experienced considerable pressure to settle for unsafe or unsatisfactory outcomes (Wangmann et al., 2020). It is essential that judicial officers and other court staff recognise the increased risk of systems abuse when one or both parties are self-represented.

**Recommendation 4:** Ensure people working in the court system, including judicial officers and other court staff, are skilled (or supported to be skilled) in identifying tactics of legal systems abuse, through an improved understanding of coercive control. This could also include being informed by contemporary research findings on the cause and impacts of systems abuse in Australia. ANROWS would be pleased to assist the Committee in accessing relevant publications.

## Courts can misidentify the person most in need of protection, resulting in harm to victims and survivors and reducing the accessibility of FVOs

The misidentification of victims and survivors as perpetrators can often occur in the context of systems abuse. The intentional manipulation of the family law system by people who use violence can complicate decision-makers' ability to determine the primary aggressor (Douglas et al., 2023; Reeves, 2019). Research outlines evidence of perpetrators claiming that victims and survivors were the primary aggressors by minimising their role in the incident, injuring themselves, calling the police first and projecting a calm appearance when police attended the scene (ANROWS, 2020a). Other tactics can include applying for cross-

orders of protection and making false allegations of violence in family law proceedings (Nancarrow et al., 2020). Nancarrow et al.'s (2020) review of literature on misidentification also found that, in Australia, people misidentified as a perpetrator of DFSV are likely to be subject to an FVO, which can have multiple and varied impacts for them. A woman who has been inappropriately named as a respondent on an FVO may not be taken seriously if she seeks help in the future (Nancarrow et al., 2020), threatening her safety. Criminalisation as a consequence of breaching this order, or being charged with DFSV criminal offences, can have significant consequences for a victim and survivor, including implications for employment and further legal issues and repercussions for parenting arrangements (InTouch, 2022). Early identification of, and response to, DFSV would assist in curtailing systems abuse through litigation (Connolly et al., 2017).

Victims and survivors may be at higher risk of systems abuse if they are from culturally or linguistically diverse backgrounds. This can be due to their potential unfamiliarity with the legal system, need for an interpreter or lack of support (Nancarrow et al., 2020). InTouch and Harmony Alliance (2023) found that men can respond to family violence orders with cross-applications and use their knowledge and resources in Australia to portray migrant women as, for example, the abuser and an unfit mother. Migrant women on temporary visas may lose access to services, access to their children, and their visa status may be impacted (InTouch & Harmony Alliance, 2023). Relatedly, these systems abuse tactics can be particularly effective when they coincide with or exacerbate problematic gendered and racialised conceptualisations of violence and victimhood by legal responders (Nancarrow et al., 2020). Efforts to identify, prevent or address systems abuse must consider the various ways in which systems abuse can affect all groups of women, including those from CALD communities.

Misidentification can undermine a woman's trust in the legal system, reducing the likelihood that she will seek protection in the future (Nancarrow et al., 2020). When police or courts misidentify the person most in need of protection, the FVO system fails to keep genuine victims and survivors safe. Where there are cross-orders or allegations in place, there is a need for people working in the family law system to be aware of the history and patterns of DFSV, including tactics of coercive control and systems abuse. This is essential to avoid misidentifying the person(s) most in need of protection when considering family law matters like parenting orders. In addition, an unintended consequence of potential reforms made to the family law system can include increased avenues or opportunities for perpetrators to perpetrate legal systems abuse, for example, by exploiting jurisdiction between federal and state/territory court processes (Australian Law Council, 2021). This increased risk must be carefully considered by the Committee when making recommendations to the FCFCoA.

**Recommendation 5:** Take measures to improve the early identification and response to the perpetration of systems abuse at the intersection of the family law system and FVO process. This could include undertaking systematic research and consultation that identifies the extent and impacts of misidentification because of systems abuse and how the FCFCoA can prevent the use of these tactics in the family law system.

**Recommendation 6:** When making recommendations under the inquiry, the Committee should engage experts to review systems to identify new or existing avenues for the perpetration of legal systems abuse in the family law system.

## Recognise the complexity faced by migrant and refugee women

The *Migrant and Refugee Women in Australia: The Safety and Security Study* (Segrave et al., 2021) found that temporary visa holders reported proportionately higher levels of DFSV, including controlling behaviours. Migrant women can experience violence in unique ways, including dowry abuse and migration-related controlling behaviours (Segrave et al., 2021; InTouch & Harmony Alliance, 2023). This can include threats to withdraw sponsorship of a visa, threats to separate women from their children through deportation and tactics of financial abuse under the pretence of cultural practice (Segrave et al., 2021). Migrant women on certain visas may not have access to emergency or long-term housing, welfare payments, Medicare or childcare subsidies (Segrave et al., 2021), which may enhance the physical, financial and emotional barriers

that women face when seeking to obtain an FVO. Social isolation can also exacerbate difficulties with seeking support (WLSA, 2024b). It is essential that judicial officers and other court staff who may assess risk factors, consider evidence of DFSV or make referrals to support services, understand the dynamics of DFSV experienced by migrant and refugee women. This could be done through education, training and capacity building, further outlined below in this submission.

Migrant women require specialist support to navigate the system where DFSV, parenting and custody and migration legal processes overlap, presenting increased complexity and uncertainty (Segrave, 2017). InTouch and Harmony Alliance (2023) found that migrant women's experience in the family law system is characterised by lengthy timeframes, sometimes over several years, as perpetrators vexatiously utilised the system to exercise control over the women and their children.

Where systems abuse is occurring, women and children on insecure visas can face adverse impacts in the immigration system if they are in contact with the criminal legal system because of allegations or cross-applications of abuse (Settlement Services International, 2023). A roundtable hosted by Settlement Services International, on meeting the needs of CALD women and children in the context of DFSV found that migrant women need access to resources in their own language and interpreter support to develop an understanding of Australia's legal system, their rights and responsibilities, including with a focus on DFSV and a focus on children. In addition, legal and migration support services that have expertise in working with migrant and refugee women require additional resourcing and funding to more effectively support these clients in navigating these systems (InTouch & Harmony Alliance, 2023).

**Recommendation 7:** Ensure that judicial officers and other court staff understand the dynamics of DFSV experienced by migrant and refugee women and invest in programs that support workers to maintain up-to-date knowledge.

**Recommendation 8:** Enhance partnerships with specialist services that assist migrant women experiencing violence to navigate the family law system.

**Recommendation 9:** Invest in the development and distribution of accessible resources in multiple languages to support migrant and refugee women to better navigate the legal system. This might include co-design with specialist organisations with CALD expertise.

## **Prioritise the safety of victims and survivors where parenting orders and family violence orders overlap**

Given the heightened risk of violence during parenting order proceedings, the FCFCoA is a critical intervention point to identify and respond to DFSV. However, qualitative ANROWS research with parents and carers, professionals and judicial officers revealed that concerns about safety and family violence may not be revealed or adequately considered in negotiation or parenting order proceedings, leading to unsafe or inappropriate orders being made (Carson et al., 2022). These findings reinforce concerns that the family law system requires improvement in assessing, managing and responding to risk more widely (Australian Law Reform Commission, 2019), with shortcomings in these areas leading to unsafe orders that may nonetheless be complied with.

The FCFCoA must prioritise the safety of victims and survivors of violence when FVOs and parenting orders overlap, contradict or challenge one another. In an ANROWS study, professionals identified adverse impacts on safety from decisions made under the *Family Law Act 1975* (Cth) as a key barrier to the effective enforcement of FVOs (Taylor et al., 2017b). People who use violence can use parenting orders to lock victims and survivors into a "cycle of violence" where they continue patterns of coercive control, drive non-compliance with parenting orders and use this to engage future litigation (Carson et al., 2022). Women have described experiences where despite there being documented evidence of family violence and FVOs in place, the family law court still granted the perpetrator access to their children and put women in ongoing contact

with the perpetrator (InTouch & Harmony Alliance, 2023). Unsafe orders can exacerbate harm to victims and survivors and impact their ability to recover from violence (Carson et al., 2022).

Recent legislative amendments to the *Family Law Act 1975* (Cth) mean that when determining the parenting arrangements, the court must now consider what would promote the safety of the child and each person who has care of the child, including considering the relevance of family violence orders and past family violence in determining arrangements (Attorney-General's Department, 2024a). Although these amendments may reduce the instances where unsafe parenting orders are made, they may rely on victims and survivors successfully overcoming barriers to obtain an FVO to prove the existence of family violence. In addition, the amended legislation must be implemented effectively in practice. There is a need to support judicial officers to navigate complexities when inconsistencies between FVO and parenting orders arise and to prioritise the safety and wellbeing of victims and survivors. This may also include judicial officers and other court staff developing an understanding of the importance of supporting the non-offending parent, including providing access to services that support the restoration of parenting capacity (Kaspiew et al., 2017) to allow the child to remain safe and together with their mother (Humphreys et al., 2020). This could be done through guidance and training, further outlined below.

**Recommendation 10:** Monitor and evaluate the effectiveness of the recent legislative amendments under the *Family Law Act 1975* (Cth) pertaining to parenting orders where DFSV is present, aiming to keep adult and children victims and survivors safe and to keep children with their non-offending parent.

## Part 3: Improve capacity in the family law system to respond to DFSV

Part 3 of this submission primarily addresses the fourth term of reference regarding other reforms that could make it safer and fairer for victims of violence in the family law system who need the protection of FVOs. The evidence in this section builds upon the barriers and risks outlined in Parts 1 and 2 of this submission, to highlight how enhancing knowledge and capacity in the family law system could improve outcomes for victims and survivors of DFSV.

### Support recent legislative change with education and guidance

#### People working in the family law system need to understand the dynamics of DFSV

There have been repeated calls for improved understandings of DFSV in the police and judicial system (see Lloyd et al., 2023; National Legal Aid [NLA] & WLSA, 2024). Research shows that providing educational resources is not always effective on its own; rather training and other measures can improve skill development to implement this knowledge (NHMRC, 2000). ANROWS (2022, 2023a, 2023b, 2024a, 2024b, 2024c) has consistently highlighted the need for education, training and resourcing for police and legal actors to better respond to victims and survivors of DFSV. While improving police responses is an essential aspect of achieving safety for victims and survivors in the legal system, for the purposes of this inquiry, this submission will focus on training in the family law system.

National Legal Aid (NLA) and Women's Legal Services Australia (2024) call for funding and developing minimum standards domestic and family violence training for all legal professional, court staff and the judiciary (see also Law Council of Australia, 2021). Education and training to address DFSV in the legal sector is supported by the Australian Government. The *First Action Plan 2023–2027 Activities Addendum: Under the National Plan to End Violence against Women and Children 2022–2032* (Department of Social Services, 2023) stipulates that the Australian Government will fund education and training on family, domestic and sexual violence for the justice sector, including capacity-building training for judiciary and legal practitioners. There is a need to ensure that this training covers contemporary issues relevant to DFSV

across various legal contexts, reflects up-to-date legislation and reflects contemporary evidence. There is a need for legal officers to have regular access to meaningful training developed and delivered by subject matter experts and people with lived expertise that is regularly evaluated for its effectiveness (NLA & WLSA, 2024). *The Australian National Research Agenda to End Violence against Women and Children (ANRA) 2023–2028* (Lloyd et al., 2023) also highlights the need to evaluate the effectiveness and impact of workplace training and development for services responding to DFSV.

Education and training on DFSV should be available for all legal officers in the family law system, not just those working on DFSV matters explicitly (Clarke, 2022; No to Violence, 2020). That is because DFSV matters can be relevant to a variety of legal areas across magistrates' courts, district and supreme courts, children's courts and family courts (Cox, 2015; Wakefield & Taylor, 2015). An ANROWS survey of judicial officers in Victoria and Queensland found that only around 20 per cent of participants agreed that judicial officers in their state received sufficient training in DFSV (Wakefield & Taylor, 2015). There were mixed responses as to whether judicial officers received sufficient training and whether this training enables informed decision-making (Wakefield & Taylor, 2015).

Research and other expert organisations highlight particular training needs:

- There is a need for DFSV training that focuses on examining the dynamics of abusive relationships in the making of successful parenting agreements and examining systems abuse (Clarke, 2022).
- Judicial officers suggested additional training could cover addressing perpetrator issues, risk factors for domestic and family violence, communication with people who use violence in court and contemporary research (Wakefield & Taylor, 2015).
- The Law Council of Australia (2021) calls for continued training and education for judicial officers and other court staff to support safe decision-making, including education on how to recognise family violence and understand its dynamics, how control may manifest and the impact of additional vulnerabilities, disadvantage and trauma. ANROWS (2023b) has also previously recommended providing training to legal actors to improve their understanding of DFSV as involving patterns of behaviour that occur within the overarching context of coercive control.
- There is also a need to equip judicial officers with the necessary cultural competency skills for working with Aboriginal and Torres Strait Islander clients, CALD clients, and skills for working with LGBTQ+ families and people with a disability (WLSA, 2018).

The Committee should review the existing education available to legal officers to ensure it is evidence based, fit for purpose and available to all judicial officers and other court staff in the family law system.

## There is a need to support people to implement recent legislative reform

ANROWS supports the intention of recent reforms to the family law system to improve outcomes for women and children who have experienced DFSV. The *Family Law Amendment Act 2023* (Cth) was passed by Parliament in October 2023. The removal of the presumption of equal shared responsibility and new powers for the courts to prevent harmful litigation were both advocated for by ANROWS to improve the safety and wellbeing of adult and children victims and survivors (ANROWS, 2023c, 2023d; see also Carson, 2022). In addition, the *Family Law Amendment (Information Sharing) Act 2023* (Cth) and new *National Strategic Framework for Information Sharing between the Family Law and Family Violence and Child Protection Systems* (Attorney-General's Department, 2022) intends to enhance the sharing of child abuse, neglect and family violence risk information between the courts, child welfare agencies and police, which has also been recommended in ANROWS research (Kaspiew et al., 2017). Legislative responses should undergo ongoing monitoring and evaluation to identify their implementation, impact and effectiveness. Monitoring and evaluation will support the government to identify unintended consequences and to demonstrate continuous improvement in legislative responses to support the safety of victims and survivors.

People working in the family law system should be supported to implement recent legislative reforms in a way that prioritises victim and survivor safety and wellbeing. A survey with legal professionals indicated a belief that often legislation is adequate, but implementation and enforcement could be improved by better consistency in common understandings of language, processes and systems (Taylor et al., 2017b). In addition, there is a need for further training that addresses the intersection of domestic and family violence, information sharing and privacy laws (Taylor et al., 2017b). This is because information sharing must be

designed using a victim- and survivor-centred approach that involves victims' and survivors' informed consent, ensuring they have a clear understanding of what information will be shared, when it will be shared and with whom it will be shared (Jones, 2016). Education and training will be important to empower workers to adhere to the new National Strategic Framework in a way that supports victims' and survivors' choice, autonomy, safety and wellbeing, ethical practice and privacy concerns.

Guidance may include specific direction on how recent reforms should be implemented, particularly where the family law system and FVOs overlap. For example, legal officers are guided by the national *Domestic and Family Violence Bench Book* (Douglas et al., 2023). Whilst this resource includes brief guidance on the intersection between the family law system and FVOs, there could be benefit in including more extensive guidance that supports decision-makers where parenting orders and FVOs interact, contradict or overlap. This may include guidance on the early identification of risk or unintended consequences of legislative amendments, like safety or privacy concerns, as they emerge.

Workforce capacity-building services can be an effective way to develop the knowledge and skills of people working with victims and survivors of DFSV. For example, WorkUP Queensland is a partnership between ANROWS and The Healing Foundation which supports workforce capacity building in the domestic and family violence sector, including cultural responsiveness when working with victims and survivors. Research highlights the need to invest in expanding this kind of work to other relevant services (Morgan et al., 2023). The Committee should consider whether there is a need for a national capacity-building service for legal officers to increase their knowledge and skills to work with families affected by DFSV.

**Recommendation 11:** Invest in the development, implementation and evaluation of evidence-informed legal training and guidance relating to the complexities and dynamics of DFSV in the context of the family law system. This could include a national approach to legal workforce development, such as a capacity-building service for judicial officers and other court staff.

**Recommendation 12:** Evaluate the implementation and effectiveness of information-sharing legislative amendments under the *Family Law Act 1975* (Cth) to understand whether they are working as intended or if there are any unintended consequences to women and children in the family law system.

## Create an authorising environment that prioritises women's and children's safety

Education and training should be coupled with efforts to create an authorising environment within the family court system that enables workers to prioritise the safety and wellbeing of victims and survivors. This means there is adequate resourcing, leadership and support for ongoing capacity building to better respond to people seeking FVOs. Evidence indicates a need for the following:

- Workplace support is needed for people working on DFSV matters. Under model work health and safety laws, organisations must eliminate psychosocial risks like exposure to traumatic events or material that might cause psychological harm (Safe Work Australia, 2022). Education and training should be provided in conjunction with other measures to support judicial officers, including debriefing and/or professional supervision, access to professional support and peer-to-peer discussion (Wakefield & Taylor, 2015).
- Initiatives that foster improved relationships and trust between police, legal officers and diverse communities – including Aboriginal and Torres Strait Islander communities, CALD communities and LGBTQ+ communities – are needed to support effective enforcement of FVOs (Taylor et al., 2017b).
- Organisational information-sharing guidelines that complement legislative arrangements are needed, to facilitate better collaboration between the family law system, state and territory child protection systems, and family and domestic violence jurisdictions. This means that information sharing is guided by ethical conduct and professional bodies' own policies and procedures, which has been highlighted as important by service providers (Taylor et al., 2017b).

The Committee could consider utilising existing mechanisms through which the Australian Government is seeking to improve responses to domestic and family violence at the national level. For example, the Standing Council of Attorneys-General Family Violence Working Group is looking at high risk and serial perpetrators (Attorney-General's Department, 2024b). The Committee could consider how mechanisms like this group could assist the FCFCoA with expertise or to facilitate a national-level response to improving the accessibility of FVOs, improving the authorising environment for judicial workforce capability enhancement or ensuring appropriate and consistent resourcing for enforcing FVOs. It may be useful to assess the existing efforts underway at national and state and territory levels to ensure responses are coordinated and complementary across jurisdictions.

Finally, NLA and WLSA (2024) have called for the outcomes measurement and national data collection under the National Plan implementation and review to include monitoring the outcomes of family law courts' decisions and orders, and where family law matters are resolved out of court, to determine the impacts on victims and survivors of DFSV. This should include monitoring the intersection between decisions in federal and state and territory jurisdictions, such as the impact of family violence orders, child protection and criminal law in family law courts' decisions. This information could then be used to inform law reform and systems change, supported by better resourcing and court infrastructure to work towards better outcomes for families.

**Recommendation 13:** Prioritise capacity-building initiatives for judicial officers and other court staff, including professional and peer support for anyone working on family violence matters.

**Recommendation 14:** Implement partnerships between the FCFCoA and relevant community-based services that work with people with lived expertise, including people from CALD backgrounds, LGBTQ+ people and Aboriginal and Torres Strait Islander people.

**Recommendation 15:** The Committee should explore new or existing mechanisms to coordinate resources at a national level and ensure that actions by the FCFCoA, to improve victims' and survivors' safety and wellbeing, are not being duplicated or complicated through multiple processes.

**Recommendation 16:** Implement National Legal Aid and Women's Legal Services Australia's call for a national outcomes measurement framework to monitor the outcomes of family law courts' decisions and orders to determine the impacts on victims and survivors of DFSV. This could include reviewing decisions for instances of systems abuse or misidentification. Ensure this is done through a victim- and survivor-centred approach.

## References

- Attorney-General's Department. (2022). *National Strategic Framework for Information Sharing between the Family Law and Family Violence and Child Protection Systems*. Australian Government. <https://www.ag.gov.au/families-and-marriage/publications/national-strategic-framework-information-sharing-between-family-law-and-family-violence-and-child-protection-systems>
- Attorney-General's Department. (2024a). *Family law changes from May 2024: Fact sheet for family law professionals*. Australian Government. <https://www.ag.gov.au/families-and-marriage/publications/family-law-amendment-act-2023-factsheet-family-law-professionals>
- Attorney-General's Department. (2024b). *Family violence*. Australian Government. Retrieved July 5, 2024, from <https://www.ag.gov.au/families-and-marriage/families/family-violence#standing-council-of-attorneysgeneral-family-violence-working-group>
- Australian Domestic and Family Violence Death Review Network, & Australia's National Research Organisation for Women's Safety. (2024). *Australian Domestic and Family Violence Death Review Network data report: Filicides in a domestic and family violence context 2010–2018* (1st ed.; Research report, 06/2024). ANROWS. <https://www.anrows.org.au/publication/australian-domestic-and-family-violence-death-review-network-filicides/>

- Australian Law Reform Commission. (2019). *Family law for the future: An inquiry into the family law system: Final report* (ALRC Report no. 135). Commonwealth of Australia. <https://www.alrc.gov.au/publication/family-law-report/>
- Australia's National Research Organisation for Women's Safety. (2020a). *Accurately identifying the "person most in need of protection" in domestic and family violence law: Key findings and future directions* (Research to policy and practice, 23/2020). ANROWS. <https://www.anrows.org.au/publication/accurately-identifying-the-person-most-in-need-of-protection-in-domestic-and-family-violence-law/>
- Australia's National Research Organisation for Women's Safety. (2020b). *Joint Select Committee on Australia's Family Law System* [Submission]. ANROWS. <https://www.anrows.org.au/resources/australian-governments-joint-select-committee-on-australias-family-law-system/>
- Australia's National Research Organisation for Women's Safety. (2021). *Interventions for perpetrators of domestic, family and sexual violence in Australia* (ANROWS Insights, 02/2021). ANROWS. <https://www.anrows.org.au/publication/interventions-for-perpetrators-of-domestic-family-and-sexual-violence-in-australia/>
- Australia's National Research Organisation for Women's Safety. (2022). *Re: Feedback on the consultation draft of the Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Bill 2022* [Submission]. ANROWS. <https://www.anrows.org.au/resources/feedback-on-the-consultation-draft-of-the-domestic-and-family-violence-protection-combating-coercive-control-and-other-legislation-amendment-bill-2022/>
- Australia's National Research Organisation for Women's Safety. (2023a). *Re: Development of a Queensland domestic and family violence perpetrator strategy* [Submission]. ANROWS. <https://www.anrows.org.au/resources/development-of-a-queensland-domestic-and-family-violence-perpetrator-strategy/>
- Australia's National Research Organisation for Women's Safety. (2023b). *Re: Exposure Draft Justice Legislation Amendment (Domestic and Family Violence) Bill 2023* [Submission]. ANROWS. <https://www.anrows.org.au/resources/northern-territory-exposure-draft-amendment-domestic-family-violence-bill/>
- Australia's National Research Organisation for Women's Safety. (2023c). *Re: Exposure Draft of the Family Law Act Amendment Bill 2023* [Submission]. ANROWS. <https://www.anrows.org.au/resources/commonwealth-attorney-generals-department-exposure-draft-of-the-family-law-amendment-bill-2023/>
- Australia's National Research Organisation for Women's Safety. (2023d). *Re: Family Law Amendment Bill 2023* [Submission]. ANROWS. <https://www.anrows.org.au/resources/senate-legal-and-constitutional-affairs-committee-family-law-amendment-bill-2023/>
- Australia's National Research Organisation for Women's Safety. (2024a). *Re: Criminalising coercive control* [Submission]. ANROWS. <https://www.anrows.org.au/resources/criminalising-coercive-control-attorney-generals-department-sa/>
- Australia's National Research Organisation for Women's Safety. (2024b). *Re: Inquiry into the Crimes Amendment (Strengthening the Criminal Justice Response to Sexual Violence) Bill 2024* [Submission]. ANROWS. [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Legal\\_and\\_Constitutional\\_Affairs/CrimesAmendment47/Submissions](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/CrimesAmendment47/Submissions)
- Australia's National Research Organisation for Women's Safety. (2024c). *Re: Review of sexual consent laws in South Australia* [Submission]. ANROWS. <https://www.anrows.org.au/resources/review-of-sexual-consent-laws-in-south-australia-attorney-generals-department-sa/>
- Blagg, H., Williams, E., Cummings, E., Hovane, V., Torres, M., & Woodley, K. N. (2018). *Innovative models in addressing violence against Indigenous women: Final report* (ANROWS Horizons, 01/2018). ANROWS. <https://www.anrows.org.au/publication/innovative-models-in-addressing-violence-against-indigenous-women-final-report/>
- Carson, R., Kaspiew, R., Qu, L., De Maio, J., Rhoades, H., Stevens, E., Horsfall, B., Press, L., & Dimopoulos, G. (2022). *Compliance with and enforcement of family law parenting orders: Final report* (Research report, 20/2022). ANROWS. <https://www.anrows.org.au/publication/compliance-with-and-enforcement-of-family-law-parenting-orders-final-report/>
- Chung, D., Upton-Davis, K., Cordier, R., Campbell, E., Wong, T., Salter, M., Austen, S., O'Leary, P., Breckenridge, J., Vlasis, R., Green, D., Pracilio, A., Young, A., Gore, A., Watts, L., Wilkes-Gillan,



- S., Speyer, R., Mahoney, N., Anderson, S., & Bissett, T. (2020). *Improved accountability: The role of perpetrator intervention systems* (Research report, 20/2020). ANROWS. <https://www.anrows.org.au/publication/improved-accountability-the-role-of-perpetrator-intervention-systems/>
- Clarke, J. (2022). *Working with ongoing domestic and family violence in family dispute resolution (FDR): Problems and possibilities*. Queensland University of Technology. <https://research.qut.edu.au/centre-for-justice/wp-content/uploads/sites/304/2022/06/Briefing-Paper-24-Clarke-FINAL-1.pdf>
- Connolly, M., Healey, L., & Humphreys, C. (2017). *The Collaborative Practice Framework for Child Protection and Specialist Domestic and Family Violence Services: Key findings and future directions* (ANROWS Compass, 03/2017). ANROWS. <https://www.anrows.org.au/publication/the-collaborative-practice-framework-for-child-protection-and-specialist-domestic-and-family-violence-services-the-patricia-project-key-findings-and-future-directions/>
- Cortis, N., & Bullen, J. (2016). *Domestic violence and women's economic security: Building Australia's capacity for prevention and redress: Final report* (ANROWS Horizons, 05/2016). ANROWS. <https://www.anrows.org.au/publication/domestic-violence-and-womens-economic-security-building-australias-capacity-for-prevention-and-redress-final-report/>
- Coumarelos, C., Weeks, N., Bernstein, S., Roberts, N., Honey, N., Minter, K., & Carlisle, E. (2023). *Attitudes matter: The 2021 National Community Attitudes towards Violence against Women Survey (NCAS), Findings for Australia* (Research report 02/2023). ANROWS. <https://www.anrows.org.au/publication/attitudes-matter-the-2021-national-community-attitudes-towards-violence-against-women-survey-ncas-findings-for-australia/>
- Cox, P. (2015). *Sexual assault and domestic violence in the context of co-occurrence and re-victimisation: State of knowledge paper* (ANROWS Landscapes, 13/2015). ANROWS. <https://www.anrows.org.au/publication/sexual-assault-and-domestic-violence-in-the-context-of-co-occurrence-and-re-victimisation-state-of-knowledge-paper/>
- Department of Social Services. (2023). *First Action Plan 2023–2027 Activities Addendum: Under the National Plan to End Violence against Women and Children 2022–2032*. Commonwealth of Australia. <https://www.dss.gov.au/the-national-plan-to-end-violence-against-women-and-children/first-action-plan-2023-2027-activities-addendum>
- Douglas, H., Chapple, K., & Ehler, H. (2023). *National Domestic and Family Violence Bench Book*. National Domestic and Family Violence Bench Book. <https://dfvbenchbook.aija.org.au/>
- Douglas, H. (2018). Legal systems abuse and coercive control. *Criminology & Criminal Justice*, 18(1), 84–99. <https://doi.org/10.1177/1748895817728380>
- Dowling, C., Morgan, A., Hulme, S., Manning, M., & Wong, G. (2018). Protection orders for domestic violence: A systematic review. *Trends & Issues in Crime and Criminal Justice*, 551. <https://doi.org/10.52922/ti116237>
- Dwyer, J., & Miller, R. (2014). *Working with families where an adult is violent: Best interests case practice model specialist practice resource*. State of Victoria; Commonwealth of Australia. <https://www.cpmanual.vic.gov.au/our-approach/best-interests-case-practice-model/working-families-where-adult-violent>
- Family Court of Australia. (2020). *Annual Report 2019–2020*. Commonwealth of Australia. <https://www.fccoa.gov.au/2019-20-family-court-australia-annual-report>
- Family Law Act 1975* (Cth).
- Family Law Amendment Act 2023* (Cth).
- Family Law Amendment (Information Sharing) Act 2023* (Cth).
- Federal Circuit and Family Court of Australia. (2024). *Family violence orders*. Federal Circuit and Family Court of Australia. Retrieved July 5, 2024, from <https://www.fccoa.gov.au/fl/fv/orders#:~:text=A%20family%20violence%20order%20is,a%20person%20from%20family%20violence>
- Humphreys, C., Kertesz, M., Parolini, A., Isobe, J., Heward-Belle, S., Tsantefski, M., Healey, L., O'Leary, P., Tan, W. W., Jeffrey, C., Bornemisza, A., Young, A., & Fogden, L. (2020). *Safe & Together Addressing Complexity for Children (STACY for Children)* (Research report, 22/2020). ANROWS. <https://www.anrows.org.au/publication/safe-together-addressing-complexity-for-children-stacy-for-children/>
- InTouch. (2022). *The causes and consequences of misidentification on women from migrant and refugee communities experiencing family violence*. InTouch. <https://intouch.org.au/position-paper-the->

[causes-and-consequences-of-misidentification-on-women-from-migrant-and-refugee-communities-experiencing-family-violence/](#)

- InTouch, & Harmony Alliance. (2023). *Consultation paper response – Family Law Amendment Bill (No. 2) 2023* [Submission]. InTouch; Harmony Alliance. [https://intouch.org.au/wp-content/uploads/2023/11/inTouch-Response\\_Consultation-Paper\\_Family-Law-Amendment-Bill-2023\\_Final-PDF.pdf](https://intouch.org.au/wp-content/uploads/2023/11/inTouch-Response_Consultation-Paper_Family-Law-Amendment-Bill-2023_Final-PDF.pdf)
- Jeffries, S., Field, R., & Bond, C. E. W. (2015). Protecting Australia’s children: A cross-jurisdictional review of domestic violence protection order legislation. *Psychiatry, Psychology and Law*, 22(6), 800–813. <https://doi.org/10.1080/13218719.2015.1015204>
- Jones, C. (2016). *Sense and sensitivity: Family law, family violence, and confidentiality*. Women’s Legal Services NSW. <https://www.wlsnsw.org.au/law-reform/sense-and-sensitivity-2016/>
- Kaspiew, R., Carson, R., Rhoades, H., Qu, L., De Maio, J., Horsfall, B., & Stevens, E. (2022). *Compliance with and enforcement of family law parenting orders: Views of professionals and judicial officers* (Research report, 01/2022). ANROWS. <https://www.anrows.org.au/publication/compliance-with-and-enforcement-of-family-law-parenting-orders-views-of-professionals-and-judicial-officers/>
- Kaspiew, R., Horsfall, B., Qu, L., Nicholson, J. M., Humphreys, C., Diemer, K., Nguyen, C. D., Buchanan, F., Hooker, L., Taft, A., Westrupp, E. M., Cookin, A. R., Carson, R., & Dunstan, J. (2017). *Domestic and family violence and parenting: Mixed method insights into impact and support needs: Final report* (ANROWS Horizons, 04/2017). ANROWS. <https://www.anrows.org.au/publication/domestic-and-family-violence-and-parenting-mixed-method-insights-into-impact-and-support-needs-final-report/>
- Langton, M., Smith, K., Eastman, T., O’Neill, L., Cheesman, E., & Rose, M. (2020). *Improving family violence legal and support services for Aboriginal and Torres Strait Islander women* (Research report, 25/2020). ANROWS. <https://www.anrows.org.au/publication/improving-family-violence-legal-and-support-services-for-aboriginal-and-torres-strait-islander-women/>
- Law Council of Australia. (2021). *Family Law Amendment (Federal Family Violence Orders) Bill 2021 Senate Legal and Constitutional Affairs Legislation Committee* [Submission]. Law Council of Australia. <https://lawcouncil.au/resources/submissions/family-law-amendment-federal-family-violence-orders-bill-2021>
- Lloyd, J., Dembele, L., Dawes, C., Jane, S., & Macmillan, L. (2023). *The Australian National Research Agenda to End Violence against Women and Children (ANRA) 2023–2028*. ANROWS. <https://www.anrows.org.au/publication/australian-national-research-agenda-to-end-violence-against-women-and-children/anra-2023-2028/>
- McCulloch, J., Maher, J., Fitz-Gibbon, K., Segrave, M., & Roffee, J. (2016). *Review of the Family Violence Risk Assessment and Risk Management Framework (CRAF): Final report*. Monash University. <https://www.monash.edu/arts/gender-and-family-violence/research-and-projects/completed-projects/craf-review>
- Morgan, G., Butler, C., French, R., Creamer, T., Hillan, L., Ruggiero, E., Parsons, J., Prior, G., Idagi, L., Bruce, R., Twist, A., Gray, T., Hostalek, M., Gibson, J., Mitchell, B., Lea, T., Miller, C., Lemson, F., Bogdanek, S., ... Cahill, A. (2023). *You can’t pour from an empty cup: Strengthening our service and systems responses for Aboriginal and Torres Strait Islander children and young people who experience domestic and family violence* (Research report, 01/2023). ANROWS. <https://www.anrows.org.au/publication/you-cant-pour-from-an-empty-cup-strengthening-our-service-and-systems-responses-for-aboriginal-and-torres-strait-islander-children-and-young-people-who-experience-domestic-and-family-violence/>
- Nancarrow, H., Thomas, K., Ringland, V., & Modini, T. (2020). *Accurately identifying the “person most in need of protection” in domestic and family violence law* (Research report, 23/2020). ANROWS. <https://www.anrows.org.au/publication/accurately-identifying-the-person-most-in-need-of-protection-in-domestic-and-family-violence-law/>
- National Health and Medical Research Council. (2000). *How to put the evidence into practice: Implementation and dissemination strategies*. NHMRC. <https://www.nhmrc.gov.au/sites/default/files/2018-03/how-to-put-the-evidence-into-practice-implementation-and-dissemination.pdf>
- National Legal Aid, & Women’s Legal Services Australia. (2024, July 3). *Domestic and family violence legal services urge Federal and State Governments to introduce suite of national reforms to stop crisis*. National Legal Aid. <https://www.nationallegalaid.org/resources/domestic-and-family-violence-legal-services-urge-federal-and-state-governments/>

- No to Violence. (2020). *Submission to the Joint Select Committee on Australia's Family Law System* [Submission]. No to Violence. <https://ntv.org.au/wp-content/uploads/2024/03/No-to-Violence-Submission-to-the-Joint-Select-Committee-on-Australias-Family-Law-System.pdf>
- No to Violence. (2023). *Submission to Exposure Draft – Family Law Amendment Bill 2023* [Submission]. No to Violence. <https://ntv.org.au/wp-content/uploads/2024/03/Submission-to-Exposure-Draft-%E2%80%93-Family-Law-Amendment-Bill-2023-Holding-Perpetrators-Accountable.pdf>
- Reeves, E. (2019). Family violence, protection orders and systems abuse: Views of legal practitioners. *Current Issues in Criminal Justice*, 32(1), 91–110. <https://doi.org/10.1080/10345329.2019.1665816>
- Safe Work Australia. (2022). *Managing psychosocial hazards at work: Code of Practice*. Safe Work Australia. [https://www.safeworkaustralia.gov.au/sites/default/files/2022-08/model\\_code\\_of\\_practice\\_-\\_managing\\_psychosocial\\_hazards\\_at\\_work\\_25082022\\_0.pdf](https://www.safeworkaustralia.gov.au/sites/default/files/2022-08/model_code_of_practice_-_managing_psychosocial_hazards_at_work_25082022_0.pdf)
- Segrave, M. (2017). *Temporary migration and family violence: An analysis of victimisation, vulnerability and support*. Monash University. <https://www.monash.edu/arts/gender-and-family-violence/research-and-projects/completed-projects/temporary-migration-and-family-violence>
- Segrave, M., Wickes, R., & Keel, C. (2021). *Migrant and refugee women in Australia: The safety and security study*. Monash University. <https://doi.org/10.26180/14863872>
- Settlement Services International. (2023). *Meeting the need of children from culturally and linguistically diverse (CALD) backgrounds in the context of domestic and family violence (DFV)*. SSI; Myriad Kofkin Global. <https://www.ssi.org.au/policy-advocacy/campaigns/meeting-the-needs-of-children-from-cald-backgrounds-in-the-context-of-domestic-and-family-violence/>
- Taylor, A., Ibrahim, N., Lovatt, H., Wakefield, S., Cheyne, N., & Finn, K. (2017a). *Domestic and family violence protection orders in Australia: An investigation of information-sharing and enforcement with a focus on interstate orders: Final report* (ANROWS Horizons, 07/2017). ANROWS. <https://www.anrows.org.au/publication/domestic-and-family-violence-protection-orders-in-australia/>
- Taylor, A., Ibrahim, N., Lovatt, H., Wakefield, S., Cheyne, N., & Finn, K. (2017b). *Domestic and family violence protection orders in Australia: An investigation of information-sharing and enforcement with a focus on interstate orders: Key findings and future directions* (ANROWS Compass, 07/2017). ANROWS. <https://www.anrows.org.au/publication/domestic-and-family-violence-protection-orders-in-australia/>
- Toivonen, C., & Backhouse, C. (2018). *National Risk Assessment Principles for domestic and family violence* (ANROWS Insights, 07/2018). ANROWS. <https://www.anrows.org.au/publication/national-risk-assessment-principles-for-domestic-and-family-violence/>
- Wakefield, S., & Taylor, A. (2015). *Judicial education for domestic and family violence: State of knowledge paper* (ANROWS Landscapes, 02/2015). ANROWS. <https://www.anrows.org.au/publication/judicial-education-for-domestic-and-family-violence-state-of-knowledge-paper/>
- Wangmann, J., Booth, T., & Kaye, M. (2020). *“No straight lines”: Self-represented litigants in family law proceedings involving allegations about family violence* (Research report, 24/2020). ANROWS. <https://www.anrows.org.au/publication/no-straight-lines-self-represented-litigants-in-family-law-proceedings-involving-allegations-about-family-violence/>
- Women's Legal Services Australia. (2018). *Submission to the Australian Law Reform Commission's Issues Paper on Review of the Family Law System* [Submission]. WLSA. <https://www.wlsnsw.org.au/wp-content/uploads/WLSA-submission-to-ALRC-Review-of-the-Family-Law-System-fa.pdf>
- Women's Legal Services Australia. (2023). *Exposure Draft of the Family Law Amendment Bill (No. 2) 2023* [Submission]. WLSA. <https://www.wlsa.org.au/wp-content/uploads/2023/11/WLSA-submission-Exposure-Draft-of-the-Family-Law-Amendment-Bill-No.2-2023-FINAL.pdf>
- Women's Legal Services Australia. (2024a). *Inquiry into family violence orders* [Submission in preparation]. WLSA.
- Women's Legal Services Australia. (2024b). *Inquiry into the Migration Amendment (Removal and Other Measures) Bill 2024* [Submission]. WLSA. <https://www.wlsa.org.au/wp-content/uploads/2024/04/WLSA-submission-Migration-Amendment-Removal-and-Other-Measures-Bill-2024.pdf>

ANROWS is an independent, not-for-profit company established as an initiative under Australia's *National Plan to Reduce Violence against Women and their Children 2010–2022* (the National Plan). Our primary function is to build the evidence base that supports ending violence against women and children in Australia.

ANROWS is embedded in the National Plan architecture and will continue to deliver and develop this function across the next decade under the *National Plan to End Violence against Women and Children 2022–2032*. Every aspect of our work is motivated by the right of women and children to live free from violence and in safe communities. We recognise, respect and respond to diversity among women and children, and we are committed to reconciliation with Aboriginal and Torres Strait Islander Australians.

Primary (core) funding for ANROWS is jointly provided by the Commonwealth and all state and territory governments of Australia. ANROWS is also, from time to time, directly commissioned to undertake work for an individual jurisdiction, and successfully tenders for research and evaluation work. ANROWS is registered as a harm prevention charity and deductible gift recipient, governed by the Australian Charities and Not-for-profits Commission (ACNC).

**ANROWS**

AUSTRALIA'S NATIONAL RESEARCH  
ORGANISATION FOR WOMEN'S SAFETY  
*to Reduce Violence against Women & their Children*

Australia's National Research Organisation for Women's Safety  
Limited  
PO Box Q389, Queen Victoria Building, NSW, 1230  
**ABN** 67 162 349 171  
**Phone** +61 2 8374 4000 | [anrows.org.au](https://anrows.org.au)